GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Service – Agriculture and Cooperation Department – Departmental Proceedings against Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur - Under Rule 200 of A.P(AP&LS) Market Rules, 1969 – Articles of Charges – Orders - Issued.

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AGRICULTURE AND CO-OPERATION(VIG-II) DEPARTMENT

G.O.RT.No. 278 **Dated: 16-05-2025**

From the Director General (V&E) & E.O.PRL.SECY.TO GOVT. Vigilance Report No.69 (C.No.4891/V&E/D1/2024) dated:14.11.2024.

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O R D E R:-

It is proposed to hold an enquiry against Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Gunturin accordance with the procedure laid down in Rule 200 of Andhra Pradesh (AP&LS) Market Rules, 1969.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Article of Charge (Annexure – I & II). A list of documents by which and a list of witnesses by whom the article of charge is proposed to be sustained are also enclosed (Annexure –III & IV).

3. Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur is directed to submit within 15 days of the receipt of this order, a written statement of his defense.

4. Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur is further informed that an enquiry will be held only in respect of those articles of charges that are not admitted. He should, therefore, specifically admit or deny the article of charge.

5. Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur is further informed that if he does not submit his written statement of defense on or before the date specified in Para 3 above, further action will be proceeded based on the material available.

6. The attention of Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur is invited to Rule 24 of the A.P.C.S (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to hear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.C.S (Conduct) Rules, 1964.

(P.T.O.)

7. The receipt of the charge memo may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR, IAS,
EX-OFFICIO SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Sk. Khaja, Junior Market Supervisor,
Agricultural Market Committee, Guntur
(Through: The Director of Agricultural Marketing, A.P., Guntur)
The Director of Agricultural Marketing, A.P., Guntur.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

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ANNEXURE.I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI SK. KHAJA, JUNIOR MARKET SUPERVISOR, AGRICULTURAL MARKET COMMITTEE, GUNTUR

ARTICLE OF CHARGE-I

That Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur has failed to log all vehicle movements in the gate entry / exit records and also permitted entry of vehicles without gate passes.

By his above mentioned acts, he has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of public servant by violating rule 3 of Andhra Pradesh Civil Services(Conduct) Rules, 1964.

ARTICLE OF CHARGE-II

That Sri Sk. Khaja, Junior Market Supervisor, Agricultural Market Committee, Guntur has played significant role in "Zero" and "Cut" activities by neglecting to halt vehicles, consequently leading to financial losses for the Government Exchequer and enabling traders to avoid paying market fee.

By his above mentioned acts he has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of public servant by violating rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

ANNEXURE.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF FRAMED AGAINST SRI SK. KHAJA, JUNIOR MARKET SUPERVISOR, AGRICULTURAL MARKET COMMITTEE, GUNTUR ARE PROPOSED TO BE SUSTAINED.

Imputation to Charge-I& II

Basing on the report of V& E Department, it was noticed in point No. 1(Page No. 75) which is mentioned as **Non-implementation of full-fledged e-NAM** in the findings of V&E Department that the operational hours of Mirchi Yard commences regularly at 6.30 AM, but the market officials, including supervisors, weighmen, and data entry operators, are absent. The allocation of lot IDs for farmers produce commences in post-official hours i.e., from 10.30 AM onwards. Previously, lot IDs were generated either upon farmers requests or based on information provided by clerks of the Commission agents to the data entry operators. Consequently, there existed a significant risk of "Zero business" transaction and potential evasion of the 1% Market Cess, as its declaration was not obligatory upon the staff`s entry at the gate. The gatekeepers maintained manual records that were not cross checked with the data input in e-NAM. Upon investigation, the V&E team identified that certain lot IDs were not put up for bidding, even after the goods return option was activated. Therefore, the lot IDs remained un-bidded and were classified as having yielded "Zero" Business. The below table shows the entries that bypassed the bidding process for the FY 2019-20 to 2023-24, as per the data provided by the Secretary, AMC, Guntur, and cross validated with e-NAM data.

(P.T.O....4)

Sl. No.	Year	Bags not bid	Bags entered as goods returned	Final bags not bid	In qtls.	Model Rate in Rs.	Amount in Rs.	1% AMF in Rs.	5% GST in Rs.
1	2019-2020	656507	141998	514509	205803.6	14000	2881250400	28812504	144062520
2	2020-2021	310278	222770	87508	35003.2	13000	4550411600	4550416	22752080
3	2021-2022	872723	779895	92828	37131.2	16000	594099200	5940992	29704960
4	2022-2023	823732	316936	506796	202718.4	20000	4054368000	40543680	202718400
5	2023-2024	2548835	1355759	1193076	477230.4	19500	9305992800	93059928	465299640
Total		5212075	2817358	2394717	957886.8	--	17290752000	172907520	864537600

From the above data, the scale of Zero business and subsequent avoidance of 1% AMF and 5% GST over the past five years amounts to Rs.17,29,07,520/-, with an estimated evasion of Rs.86,45,37,600/- for the 5% GST alone. Consequently, the total evasion involving 1% AMF Cess and 5% GST adds up to **Rs.103,74,45,120/-**

Basing on the statements of the weighmen and Commission Agents that the zero-business calculated above is a very meager amount as most of the zero-business conducted in the early hours without entering in the e-NAM.

The Weighmen, who arrived punctually, collects data from the clerks of Commission agents and Traders, and subsequently record the weighments of mirchi bags in their kata-chitta. Upon scrutinizing the turnovers of Commission Agents and Traders presented by the Secretary, AMC, Guntur, the V&E officials identified a significant disparity between them, as detailed in the table below.

Sl. No.	Details	2019-20 Rs.	2020-21 Rs.	2021-22 Rs.	2022-23 Rs.	2023-24 Rs.
1	665 Commission Agents Turnovers (5 years	5631,14,42,173	2730,33,62,709	6439,16,74,902	8430,45,26,310	8205,61,62,621
2	385 Expert Traders Turnovers (5 years)	4539,29,17,904	2341,36,62,396	5569,33,30,763	7595,75,44,348	7324,90,97,875
3	Difference	**1091,85,24,269**	**388,97,00,313**	**869,83,44,139**	**834,69,81,962**	**880,70,64,746**
					5 years difference Total	**4066,06,15,429**

This shows that '**cut**' business leading to the evasion of 5% GST. Upon computing a 1% cess on the 5-year discrepancy, it amounts to Rs.40,66,06,154/-. The calculated evasion of 5% GST totals Rs.203,30,30,770/-. Consequently, the overall evasion stands at Rs.243,96,36,924/-.

Therefore, the claims of '**Zero**' and '**Cut**' business with the total evasion of 1% AMF Cess and subsequent 5% GST evasion over the last five years is estimated as **Rs.347,70,82,044/- (Rs.103,74,45,120/- + Rs.243,96,36,924/-)**.

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By the above mentioned acts, he has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of the public servant and contravened Rule 3 of APCS (Conduct) Rules, 1964 and rendered himself liable for disciplinary action. Hence the Charges.

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI SK. KHAJA, JUNIOR MARKET SUPERVISOR, AGRICULTURAL MARKET COMMITTEE, GUNTUR.

Vigilance Report No. 69 (C.No. 4891/V&E/D1/2024), Dt:14.11.2024 of General Administration (Vigilance & Enforcement) Department.

ANNEXURE – IV

LIST OF WITNESSES BY WHOM BY THE ARTICLE OF CHARGES FRAMED AGAINST SRI SK. KHAJA, JUNIOR MARKET SUPERVISOR, AGRICULTURAL MARKET COMMITTEE, GUNTUR ARE PROPOSED TO BE SUSTAINED.

Investigation Officers of Vigilance & Enforcement Department.

B.RAJSEKHAR, IAS,
EX-OFFICIO SPECIAL CHIEF SECRETARY
TO GOVERNMENT